

19 June 2019

His Excellency the Governor, Martyn Roper, OBE
Chairman of Cabinet of the Cayman Islands Government

By Email

Copy to:

Rt. Hon Lord Tariq Ahmad of Wimbledon, Minister of State for Commonwealth & the UN, FCO
Elections Supervisor Mr Wesley Howell

Your Excellency,

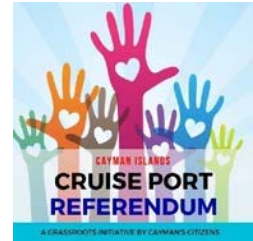
We were honoured to present to you as the Chairman of Cabinet, via your representative Mr Matthew Forbes, a certified copy of the original Petition document signed by not less than 25 per cent of persons registered as electors in accordance with section 90 of the Cayman Islands Constitution Order 2009, on Wednesday 12th June 2019, in fulfillment of the Cayman Islands Constitutional Order (2009) Section 70 requirement to initiate a People-Initiated Referendum.

We thank you again for hosting two meetings with our group and providing guidance on the People-Initiated Referendum process, also for confirming the independence of the Elections Office and reporting lines of the Elections Supervisor directly to the Governor's Office.

We look forward to receiving a written detailed confirmation, within 7 business days, of the verification process to be undertaken by the Elections Office, including the script which Elections Office officials will follow during door to door visits, and how the verification process will address all the concerns raised at our 7th June 2019 meeting with you (as summarized in Appendix 1 (points 1 to 6) of CPR Cayman's 12th June 2019 letter to you).

The following has come to our attention since our 12th June 2019 submission:

- a) Please confirm the basis that Cabinet would direct the Elections Supervisor regarding the process to be undertaken for the verification of signatures. We were told the Cabinet has no engagement or ability to direct the Elections Supervisor as he reports directly to the Governor. In the court of public opinion it seems fair to conclude that the integrity of the process has been compromised due to the Cabinet directing the Elections Supervisor, despite your assurances.

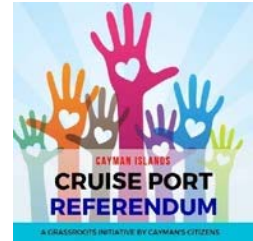


- b) Verification Form – this form was not mentioned during our discussions or at the town hall presentation. While a reasonable measure for registered voters overseas, it seems onerous and unnecessary for people visiting the Elections Office wishing to verify their signatures or for signatories visited at their homes.
- c) Cut off point for the Elections Office to receive additional signatures - during our 28th May 2019 meeting, Mr. Howell, the Election Supervisor, indicated that we could continue to collect and hand in additional signatures for the petition, after the initial submission. However, on Wednesday 12th June 2019 during the petition submission, Mr Howell mentioned that there would be a cut off point for additional petition signatures. We are particularly concerned that this cut off point should not be set while the Elections Office is still in the process of trying to locate petitioners, in line with our concerns noted in point 3 of the attached Addendum.
- d) Voters who cannot be located - the Elections Office must make every effort to locate all persons who have signed the petition. If the Elections Office cannot locate a petition signatory, they should not be considered unverified (and permanently removed from the petition signatory count).

In the case of signatories who cannot be located after the Elections Office have utilized all of its avenues, the Elections Office should provide a list of these persons to CPR Cayman for CPR Cayman to assist the Elections Office with locating them.

- e) 2016 verification process - Mr Howell was very confident that he would be able to locate all persons who signed the petition, based on the Elections Office experience with the 2016 door to door verification process. However, 100 per cent of all households were contacted during the 2016 process, whereas the present verification process will only visit the addresses for the 5,289 plus persons who signed the petition. By contacting 100 per cent of households, they would have eventually encountered all persons who had moved, at their new addresses, this will not be the case for the current verification process.
- f) List of electors - In our discussions it was confirmed that we would be using the 1st April 2019 list, whereas Mr Howell has now stated that the 1st July 2019 list will be used.

In light of the above, and in the interest of transparency, we dutifully request that you share with us the legal basis for the anticipated door to door verification process and ancillary form.



In summary, we are very concerned that the proposed verification process is onerous and over complicated. The proposed verification form is intimidating in its current form and simply duplicates the information already provided. Many civil servants and others who signed the petition in good faith may well feel uncomfortable being asked to sign a separate form such as this in the presence of a government employee for fear of losing their job, a government contract or their pension.

The verification of every single signature gathered is simply unnecessary and heavy handed. The signature gathering process was completely open and as such can be verified by sampling.

We fear that this genuine, people led effort is in danger of being completely undermined by an overly bureaucratic process which could appear to have been adopted simply to quash the wishes and choices of a large number of the electorate.

This petition is a historic and positive sign of an increasingly educated and enlightened community, and as such should be welcomed by our government. We are sincerely concerned that this verification process as proposed will begin to cast a shadow over the seeming openness of our government.

Yours sincerely,

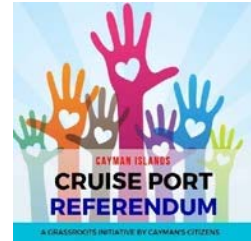
Michelle Lockwood
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On behalf of Cruise Port Referendum (CPR) Cayman

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Appendix 1

Summary of CPR Cayman and HE Governor Roper Meeting Friday 8th June

1. Door to Door Verification – Is there a legal basis for this method of verification given the existence of an Official Register of Electors for all registered voters which is updated quarterly, with the following details for each registered voter: First Name, Last Name, Address, Occupation, Voter Registration Number and Electoral District. Additionally the signatures photographs are on record for all registered voters for whom a Voters Registration Card has been issued. As is standard process in other jurisdictions would it not be more appropriate to do in person verifications for a sample of the petitioners, as checks, rather than for each 5,289 plus signatories to the petition, also with regard to costs, resources and efficiency, using a match to the Official Register of Electors as prima facie evidence for the signatories.
2. Voter Intimidation. There are wide spread concerns about Voter Intimidation from the door to door process. The Elections Office should design and implement a very stringent process to ensure that only required information is sought from signatories.
3. What process will be followed for Voters who cannot be located. People move frequently and high percentage of voters have changed address from what is on record with the Elections Office or the address they may have signed with.
4. Can the Elections Office create multiple methods for Voters to self verify for example by email, phone, at the Elections Office, and at supermarkets and other frequented public spaces.
5. Length of time to verify to not delay the presentation of petition to Cabinet. The Premier has stated that until the 25% of signatories on the petition is verified the Government will continue to move forward with the cruise and cargo port procurement process.
6. Which official list will be used for verification (e.g. 1 April 2019) and what will be the process for recently deceased persons who signed the petition and also person in the process of registering.
7. Use of the UK's Petitions Committee, House of Commons' open software for future constitutional petitions
8. As Chairman of Cabinet, ensuring the referendum question chosen by Cabinet fairly reflects the original petition wording and is clear, easy to understand for voters and ensures fairness and objectivity.
9. Given the significance of the project and the implications for the country both financially, environmentally, socio-economically and the potential security concerns, the project is an issue of significant national importance to the people of the Cayman Island.
10. There should be a cap on expenditure for the referendum campaign in the referendum law
11. This is the first People Initiated Referendum in the Cayman Islands, and the first time that a petition is having to be verified by the Elections Office. There is currently no Referendum Law, and the Elections Law does not speak at all to Referendums.